

SUBCOMMITTEE NO. 4

Agenda

Richard Polanco, Chair
Dick Ackerman
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Room 113

<u>Item</u>	<u>Department</u>	<u>Page</u>
<i>Public Safety</i>		
0552	Office of the Inspector General.....	1
0550	Secretary for Youth & Adult Correctional Agency	3
5430	Board of Corrections.....	5
5450	Youthful Offender Parole Board.....	7
5460	Department of the Youth Authority	9

0552 Office of the Inspector General

The Office of the Inspector General has the responsibility for oversight of the state's correctional system through audits and investigations of the boards and departments within the Youth and Adult Correctional Agency. Chapter 969, Statutes of 1998 changed and expanded the role of the Inspector General and re-established the Office as an independent entity reporting directly to the Governor. In addition, Chapter 338, Statutes of 1998 requires the Office of the Inspector General to review Level 1 and Level 2 Internal Affairs investigations of the boards and departments within the Youth and Adult Correctional Agency.

Budget Request. The budget proposes \$10 million for operations of the Office of the Inspector General (OIG), which is a decrease of \$1 million, or 9.3 percent below current year expenditures. This reduction is primarily due to 10 limited term positions expiring related to retaliation workload. The OIG indicates that the workload for these positions never materialized at the level estimated. In addition, the budget proposes reductions including \$366,000 for the closure of the San Diego field office, travel reductions, and elimination of 2.5 clerical positions.

OIG – Summary of Program Expenditures

Program	(dollars in thousands)			Change	Percent Change
	2000-01	2001-02	2002-03	01-02 to 02-03	01-02 to 02-03
Office of the Inspector General	\$ 10,391	\$ 11,007	\$ 9,985	-\$ 1,022	-9.3%
Authorized Positions	86	108	97	-11	-10.1%

Workload. Duties of the OIG include the following:

- Perform a management review audit of any warden at CDC or superintendent at CYA who has held his or her classification for more than four years.
- Perform Management Audit Reviews of newly appointed wardens and superintendents.
- Review and oversight of CDC and CYA policies and procedures for conducting investigations.
- Conduct audits of CDC and CYA investigatory practices.
- Conduct other audits and investigations of CDC, CYA, YACA, BPT, BOC, YOPB, the Prison Industries Authority, and the Narcotic Addict Evaluation Authority as requested by the Governor, members of the Legislature, Secretary of the YACA, or the Inspector General.
- Conduct investigations of retaliation complaints filed against management and staff.
- Review all of the more serious Level II investigations performed by CDC and CYA Internal Affairs offices. Review a representative sample of the less serious Level I investigations performed by investigators at each institution. Reinvestigate, or recommend for reinvestigation, any case ythat the OIG deems appropriate.
- Maintain a toll-free phone system to facilitate the filing of complaints against management and staff of departments within YACA.
- Conduct audits or investigations, as deemed necessary, of complaints filed with the OIG.

Issues

Workload. The budget for the OIG has grown significantly since legislation expanded its role in 1998, from 40 positions and a budget of \$6 million in 1999-00 to a proposed 97 positions and a proposed budget of \$10 for 2002-03. As indicated above, the budget proposes elimination of 10 expiring limited term positions due to certain workload not having materialized.

During calendar year 2000, the OIG reported that it had completed 7 Management Review Audits, 11 Special; Audits and Reviews, received 1,572 intake cases, opened 299 investigations, and closed 291 investigations. At that time, the OIG also reported a backlog of approximately 200 cases. The Subcommittee may wish to get an update on the workload for the agency in 2001, and further workload justification for its budget.

The Subcommittee may wish to get updated workload statistics from the OIG.

0550 Secretary for Youth & Adult Correctional Agency

The Youth and Adult Correctional Agency (YACA) includes the Department of Corrections, Department of the Youth Authority, the Board of Prison Terms, the Youthful Offender Parole Board, Board of Corrections, Prison Industry Authority, the Narcotic Addict Evaluation Authority, and the Commission on Correctional Peace Officers' Standards and Training. The Agency provides communication, coordination, and budget and policy direction for the departments and boards.

Budget Overview - The total proposed budget for the Youth and Adult Correctional Agency is \$1.2 million, which is a decrease of \$51,000, or 4 percent, from estimated current year expenditures. Of this amount, General Fund support decreases by \$51,000 to a total of \$969,000. The remainder of the funding is from reimbursements. The proposed reductions include reductions in travel, general expense, consulting services, and overtime.

The budget for YACA decreased by \$2 million between 2000-01 and the current year. This increase was due to funding to begin a five year epidemiological and treatment study in correctional institutions.

YACA – Summary of Program Expenditures					
Program	(dollars in thousands)			Change 01-02 to 02-03	Percent Change 01-02 to 02-03
	2000-01	2001-02	2002-03		
Secretary for Youth and Adult Correctional Agency	\$3,222	\$1,278	\$1,227	-\$51	4.0%
Authorized Positions	11	11	11	0	0.0%

Issues

Mental Health Treatment Assessment and Implementation

Plan? Last year, the Legislature approved \$400,000 for the Youth Authority to contract for a comprehensive mental health treatment assessment and implementation plan. The report was to include a detailed assessment of the prevalence of mental health needs within the population, a proposal for screening and identifying treatment needs on an ongoing basis, recommendations for appropriate treatment programs based on best practices, and an implementation plan for cost-effective treatment services. Due to the importance of the proposal, the Legislature required the chosen consultant to provide the report to the Youth Authority by January 15, 2002. The report has still not been made available to the Legislature.

What is the status of the report?

CYA Technical Assistance Plan. In response to investigations of the Inspector General and recommendations from Secretary Presley, on September 24, 1999, the Governor directed YACA to conduct a comprehensive review of policies and procedures at the California Youth Authority.

In February 2000, YACA directed the Board of Corrections to create a Technical Assistance Plan (TAP) to aid the Youth Authority in improving conditions of confinement within its institutions. At the end of October, an Independent Steering Committee submitted a final report to YACA and the CYA. Since that time the CYA has been working internally to develop a recommended response to the report.

In a six-month status report from January 2002, the CYA indicates that has developed responses and resulting action steps for the 35 recommendations in the TAP, and had set up a process to handle the responses to the 149 proposed regulations in the TAP.

What is the Agency's assessment of the progress CYA has made in implementing the recommendations of the report?

Recent lawsuits at CDC & CYA. In the last two years, there have been several high profile lawsuits against the Youth Authority and the Department of Corrections, including a suit to compel compliance with state laws requiring licensing of inpatient medical and mental health beds at the Youth Authority, a civil rights suit alleging inhumane, discriminatory and punitive conditions at the Youth Authority, and *Plata* inmate healthcare lawsuit at CDC.

What oversight role is YACA performing to prevent future problems that could lead to lawsuits?

Oversight of Departments within YACA. YACA's responsibility as parent agency is to ensure coordination of resources and program among the departments within the Agency as well as performing risk management assessment.

What oversight functions does YACA play in these areas?

5430 BOARD OF CORRECTIONS

The Board of Corrections works in partnership with city and county officials to develop and maintain the standards for the construction and operation of local jails and juvenile detention facilities, as well as standards for the employment and training of local corrections and probation personnel. The board also disburses training funds, administers all County Correctional Facility Capital Expenditure Funds, the Repeat Offender Prevention Program, and the Juvenile Crime Enforcement and Accountability Challenge Grant Project. In addition, the board regularly conducts special studies in penology and corrections.

Board of Corrections - Source of Funds					
Program	(dollars in thousands)			Change	Percent Change
	2000-01	2001-02	2002-03	01-02 to 02-03	01-02 to 02-03
General Fund	142,887	42,674	88,600	45,926	107.6%
Corrections Training Fund	17,934	19,282	19,569	287	1.5%
1988 County Correctional Facility Capital Expenditure and Youth Facility Bond Fund	346	0	0	0	n/a
Federal Trust Fund	36,994	33,221	58,951	25,730	77.5%
Reimbursements	560	588	588	0	0.00%
Totals	198,721	95,765	167,708	71,943	75.1%

Budget Overview – The budget for the Board of Corrections (BOC) proposes total expenditures of \$167.7 million which is an increase of \$71.9 million, or 75 percent above estimated current year expenditures. This increase is due primarily to an increase in local assistance funding for grant awards determined in previous years for which funds will be dispersed in the budget year. For example, the department has scheduled disbursements of \$10 million in the current year from the 1998-99 General Fund Construction Program, and \$45 million in the budget year.

The proposed funding for state operations is \$8.7 million, which is a decrease of \$655,000 from the current year. The number of authorized personnel would decrease from 71 positions to 67 positions. The proposed local assistance budget is \$159 million, which is \$72.6 million greater than current year expenditures. As part of its reductions for the budget year, BOC proposes to eliminate 2.5 positions and a total of \$176,000.

Board of Corrections - Summary of Program Expenditures					
Program	(dollars in thousands)			Change	Percent Change
	2000-01	2001-02	2002-03	01-02 to 02-03	01-02 to 02-03
Corrections Planning and Programs	\$125,695	\$59,443	\$126,739	\$67,296	113.2%
Facilities Standards and Operations	49,332	15,047	19,371	4,324	28.7%
Standards and Training for Local Officers	18,189	19,538	19,825	287	1.5%
Administration	323	324	324	0	0.0%
Distributed Administration	-323	-324	-324	0	0.0%
State-Mandated Local Programs	5,505	1,737	1,773	36	2.1%
Totals	\$198,721	\$95,765	\$167,708	\$71,943	75.1%
Authorized Positions	63	71	67	4	-5.2%

Issues

LA CLEAR. The budget proposes one-time funding of \$3 million for the Los Angeles Community Law Enforcement and Recovery (CLEAR) program. LA CLEAR was established in 1997 as a multi-agency gang suppression and community recovery program that has expanded to six sites throughout Los Angeles County. The LAO indicates that the state has provided CLEAR with \$14.2 million to date. In the current year the program is funded at \$1 million. The CLEAR Executive Committee indicates that an additional \$800,000 has been committed by the Governor in the current year for this program.

The LAO recommends deletion of the \$3 million because they indicate that it is not clear whether the program reduces crime and there is no information as to how the funds are being used.

A program status update from December 2001 indicates that the CLEAR program has achieved its short-term objectives in terms of reductions in gang crime, effective collaboration among criminal justice agencies, and meaningful community engagement. The report also notes that there has been progress toward the longer-term goal of institutionalizing systems to support stable community recovery from gang violence.

Does the Subcommittee wish to provide funding for LA CLEAR?

5450 Youthful Offender Parole Board

The Youthful Offender Parole Board (YOPB) is the paroling authority for youths committed by the courts. First established by the Legislature in 1941, the Board consists of seven members, each of whom is appointed by the Governor and confirmed by the Senate for four year terms. The primary function of the YOPB is to recommend treatment programs, discharge of commitments, parole conditions for young offenders, revocation or suspension of parole, and the return of nonresident persons to the jurisdiction of the state of legal residence. It also gives each offender a classification based on category of offense.

Budget Request. The budget proposes total expenditures of \$3.3 million from the General Fund, a decrease of \$182,000 or 5.2 percent from current year expenditures. In order to achieve this 5 percent reduction, the YOPB is proposing to reduce the size of the Sacramento and Glendale offices and to eliminate two clerical staff positions.

YOPB – Summary of Program Expenditures					
Program	(dollars in thousands)			Change 01-02 to 02-03	Percent Change 01-02 to 02-03
	2000-01	2001-02	2002-03		
Youthful Offender Parole Board	\$3,476	\$3,471	\$3,289	-\$182	-5.2%
Authorized Positions	31	33	31	-2	-3.9%

Issues

Workload. The YOPB has six board members and four board representatives that conduct board hearings. In addition, the chairman and the executive officer also conduct board hearings. The YOPB indicates that it holds approximately 20,000 hearings annually. This number has not reduced in the past several years, despite the fact that the Youth Authority population has decreased from over 10,000 in 1996 to a current population of approximately 6,300. Many of the types of hearings conducted by the YOPB such as the initial hearing, and the annual hearing for a ward are driven by the population of wards.

How many hearings does the YOPB holds annually, and why is this number is not reducing with the recent ward population reductions?

Length of Confinement Time. The length of stay for wards at the Youth Authority (YA) has increased substantially in the last few years. For less serious offenders, the length of stay has increased by 57 percent since 1998. When the Juvenile Court commits a ward to the YA, the court makes a calculation regarding the maximum confinement time for the youth, based upon the maximum time that an adult could face in prison. The number of wards that remain in the YA up to their maximum confinement time has increased dramatically in the last several years. In 1998, only six percent of the YA parole population had no confinement time left. By 2001, that percentage had doubled to 12 percent of the parole population, posing significant challenges to the mission of parole because parole officers hold little authority over parolees with no confinement time left. The length of stay at the YA continues to increase

Why is the YOPB keeping so many wards in YA until they reach their maximum confinement time?

5460 Department of the Youth Authority

The goals of the California Youth Authority (CYA) are to provide public safety through the operation of secure institutions, rehabilitate offenders, encourage restorative justice, transition offenders back to the community, and support local government intervention programs.

Youth Authority -- Funding Sources					
Funding Sources	(dollars in thousands)			Change	Percent Change
	2000-01	2001-02	2002-03	01-02 to 02-03	01-02 to 02-03
General Fund	\$347,998	\$357,319	\$335,700	-\$21,619.00	-6.1%
1988 County Correctional Facility Capital Expenditure and Youth Facility Bond Fund	240	346	0	-\$346.00	-100.0%
Lottery Education Fund	646	510	792	\$282.00	55.3%
Federal Trust Fund	1,471	1,471	1,453	-\$18.00	-1.2%
Reimbursements	76,583	77,264	78,270	\$1,006.00	1.3%
Totals	\$426,938	\$436,910	\$416,215	-\$20,695.00	-4.7%

Budget Overview. The Governor's Budget proposes expenditures of \$416.2 million, a decrease of \$20.7 million, or 4.7 percent from the current year. Of the total, \$335.7 million is General Fund, which is a decrease of \$21.6 million, or 6.1 percent below the current year. Of the General Fund appropriation, \$38.1 million is General Fund- Proposition 98, a decrease of \$1.2 million from current year expenditures. Authorized positions are proposed to be 4,959, which would be a decrease of 115 positions from the current year. The budget estimates that it will receive \$78.3 million in reimbursement in 2002-03. These reimbursements primarily come from fees that counties pay for the wards they send to the CYA.

Ward Population Estimates. The proposed budget estimates that the ward population will decrease by 260 (4.1 percent) to 6,100 on June 30, 2003 from the currently estimated to 6,360 by the end June 2002. The amount estimated for the end of the current fiscal year is 380 wards below the level anticipated in the 2001 Budget Act. The ward population has reduced in recent years from 10,114 wards at the end of the 1995-96 fiscal year. This reduction corresponds with a decrease in juvenile court first commitments, which the department attributes to legislation that increased county fees for the CYA commitment (Chapter 6, Statutes of 1996, SB 681, Hurtt). Long range projections call for the institution population to fall to 5,975 by June 30, 2004 and then begin to increase again slowly in 2004-05, reaching 6,400 by June 2006. The department will be releasing Spring population estimates with the May Revise which will likely include further downward reductions in the ward population estimates.

Parolee Population Estimates. The proposed budget estimates that the parole population will decrease to 4,155 by the end of 2002-03, a decrease of 75 from the 4,230 projected at the end of the current year. The department attributes the expected decrease to the declining institution population that will result in fewer parole releases. The parole population has reduced in recent years from 6,249 at the end of the 1996-97 fiscal year. The fall population estimates project the parole population to gradually decrease to 3,879 by the June 2006.

Youth Authority Program Expenditures					
Spending by Program	(dollars in thousands)			Change	Percent
	2000-01	2001-02	2002-03	01-02 to 02-03	01-02 to 02-03
Institutions and Camps	\$309,038	\$318,081	\$308,160	-\$9,921.00	-3.1%
Parole Services	62,406	65,298	55,638	-9,660.00	-14.8%
Education Services	52,660	51,949	50,835	-1,114.00	-2.1%
Administration	27,154	30,200	28,888	-1,312.00	-4.3%
Distributed Administration	-24,320	-28,618	-27,306	1,312.00	-4.6%
Totals, All Programs	\$426,938	\$436,910	\$416,215	-\$20,695.00	-4.7%
Authorized Positions	4,934	5,074	4,959	-115	-2.3%

Issues

Population Projections. As indicated above, the proposed budget estimates that the ward population will decrease by 260 (4.1 percent) to 6,100 on June 30, 2003 from the currently estimated to 6,360 by the end June 2002. As a result of these projections, the department's caseload budget is proposed to decrease by \$7.3 million. The Youth Authority indicates that some of the savings will be derived from the closure of some housing units. The budget projects that there will be a total of 23 units closed by the end of the budget year.

The LAO notes that in recent years, the population projections have tended to be higher than the actual population. Thus, the LAO recommends holding open this amount pending revised population estimates with the May Revision.

Sliding Scale Adjustment. Under current law, counties are required to share the cost of housing juvenile offenders in the YA. For many years, counties paid a flat fee of \$25 per month per offender. Chapter 6, Statutes of 1996 (SB 681, Hurtt) made two major changes in the cost sharing arrangement. First, it increased the flat fee that counties pay from \$25 per month to \$150 per month to account for inflation. Second, it established a "sliding scale" fee structure which adjusts the amount that counties pay monthly based upon the classification of the juvenile offender.

The sliding scale legislation was intended to provide counties with a fiscal incentive to develop and use more locally-based programs for less serious juvenile offenders, thereby reducing their dependence on costly YA commitments. This fee structure was modified somewhat by Chapter 632, Statutes of 1998 (SB 2055, Costa). This measure froze the per capita costs on which the sliding scale fees are based at the levels in effect on January 1, 1997 (\$2,600), thereby effectively capping the fees. Accordingly, counties pay 50 percent of per capita costs (\$1,300 per month) for category V commitments, 75 percent (\$1,950 per month) for category VI, and the full cost (\$2,600) for category VII commitments monthly.

The LAO recommends adoption of Legislation to adjust the monthly fee for category I – IV commitments from \$150 to \$176, category V to \$1520, category VI to \$2,280, and category VII to \$3040 to account for inflation. The LAO believes that this would maintain the fiscal incentive for counties to send their most serious offenders to the YA and offset a portion of the yearly cost increases incurred by the Youth Authority. The LAO estimates that the state could save \$9 million in 2002-03 as a result of such action.

CYA Technical Assistance Plan. In response to investigations of the Inspector General and recommendations from Secretary Presley, on September 24, 1999, the Governor directed YACA to conduct a comprehensive review of policies and procedures at the CYA.

In February 2000, YACA directed the Board of Corrections to create a Technical Assistance Plan (TAP) to aid the Youth Authority in improving conditions of confinement within its institutions. At the end of October, an Independent Steering Committee submitted a final report to YACA and the CYA. Since that time the CYA has been working internally to develop a recommended response to the report.

Major findings of the TAP include the following:

- CYA should base its strategic planning around its emphasis on treatment training, and victim and community restoration. The report notes that the mission can not be fulfilled without adequate resources, and concluded that current resources are insufficient.
- CYA should have adequate staffing to meet its mission. In the report, the work group examining staffing issues concludes that there is insufficient staffing at each of its institutions. The report recommends that each institution prepare a staffing plan to determine the necessary level of personnel.
- CYA should develop policies and procedures for discipline to include (1) the personnel authorized to impose sanctions, (2) definitions of minor and major violations, (3) due process requirements, and (4) the levels of punishment, documentation, and review that are appropriate for violations. The report emphasizes that the disciplinary system provide a

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- continuum of graduated sanctions appropriate to each level of violation.
 - CYA should develop policies for providing services to mentally ill wards including (1) mental health screening at intake, crisis intervention and stabilization, and (2) referral of acutely ill wards to a licensed mental health facility and assurance that any seriously ill wards will be assessed by licensed mental health clinicians.
 - CYA should establish a multidisciplinary task force to develop a department-wide strategy to address the gang problem within institutions.
 - CYA should immediately convene a special committee that includes members from the department and outside correctional consultants/subject matter experts to review the use of cages, with the focus on identifying viable alternatives.
 - CYA should provide sufficient management direction and support to the facility Safety Committees, so they can function as an effective component of maintaining facilities in a manner that meets the statutory, regulatory, and department standards.
 - CYA should establish a Task Force comprised of multidisciplinary subject matter experts to develop a comprehensive strategy for addressing the gang problem related to the department's population.
 - CYA should assess existing academic and vocational opportunities for males and females, examining both the variety and relevancy of the course offerings, and implement modifications that assure all wards have sufficient opportunity to improve and develop their academic and vocational skills.

In a six-month status report from January 2002, the CYA indicates that has developed responses and resulting action steps for the 35 recommendations in the TAP, and had set up a process to handle the responses to the 149 proposed regulations in the TAP.

What has been the CYA's progress in implementing the regulations and recommendations from the report?

Correctional Treatment Center Bed Needs. In May 2000, a lawsuit (*Morris v. Harper*) was brought against YA for not complying with the state licensing requirements for inpatient medical and mental health beds. The lawsuit followed in the wake of news accounts of medical maltreatment of wards. The trial court ruled against the YA stating that although the YA had taken steps toward licensing three of its medical facilities, the licensing requirements were likely not to be completed without judicial intervention. The YA appealed the decision arguing that it was actively seeking licensure. The appellate court rejected the arguments and upheld the decision of the lower court.

YA's plans for licensure at 8 facilities and in their intensive treatment programs have been reduced to pursue licensing of 33 beds statewide at three facilities. As temporary measures, the YA has received DMH

approval for 10 at its Southern Reception Center, and has contracted for 10 state hospital beds for acute and sub-acute mental health care of wards over 18.

In addition, the YA has conducted a needs assessment for these beds that will be validated by outside experts. Information from the needs assessment survey have not been made available to the Legislature at this time.

The Subcommittee may wish to get an update on the status of the completed survey.

Mental Health Treatment Assessment and Implementation Plan?

Last year, the Legislature approved \$400,000 for the Youth Authority to contract for a comprehensive mental health treatment assessment and implementation plan. Due to the importance of the proposal, the Legislature required the chosen consultant to provide the report to the Youth Authority by January 15, 2002. The report has still not been made available to the Legislature.

What is the status of the report?

Program Compliance Unit. The budget requests 5 positions and \$725,000 for a program compliance unit, charged with providing management oversight and monitoring of staff compliance with policies and procedures. The overall goal of the unit is risk management and quality assurance.

Does the Subcommittee wish to approve this request?

Increased Energy Costs. The budget proposes \$1 million to cover the costs resulting from rate increases for natural gas, electricity, propane gas, diesel fuel, and gasoline.

Does the Subcommittee wish to approve this request?

Cesar Chavez Holiday Pay. The budget proposes \$171,000 for the costs related to the Cesar Chavez Holiday.

Does the Subcommittee wish to approve this request?

5460 California Youth Authority

Capital Outlay

The Department of the Youth Authority operates 11 institutions (including two reception centers) and six conservation camps throughout the state. The budget included \$2.3 million from the General Fund and \$16.7 million from lease revenue bonds for the department's capital outlay program in 2002-03. The budget included the following project proposals.

- \$3.9 million from lease revenue funds for construction of a Correctional Treatment Center at Northern California Youth Correctional Center (NCYCC).
- \$3.2 million from lease revenue funds for construction of 50 Specialized Counseling Program beds at Southern Youth Correctional Reception Center and Clinic (SYCRCC).
- \$1.2 million from lease revenue fund for construction of a special education assessment center at Ventura Youth Correctional Facility.
- \$8.5 million from lease revenue funds for construction of a new kitchen facility at Fred C. Nelles Youth Correctional Facility.
- \$250,000 for budget package preparation and studies for future capital outlay projects.
- \$2.2 million for minor capital outlay projects.

Issues

CTC at NCYCC and Specialized Counseling Program at SYCRCC. The budget includes \$3.9 million in lease-payment bonds for construction of a new Correctional Treatment Center at the NCYCC and \$3.2 million in lease-payment bonds for construction to house new specialized counseling program beds at the SYCRCC. Both of these projects would provide treatment, counseling, and staffing space for mental health services to wards.

The LAO notes that to act on these specific proposals, however, the Legislature needs an implementation plan for mental health service delivery which addresses such issues as: (1) the type of services that need to be offered, (2) the estimated number of wards requiring such services, (3) the types of facilities needed to provide required services, and (4) the appropriate location of needed facilities throughout the state.

The department has commissioned an independent program study to identify ward mental health treatment needs and staffing. As discussed above, this study, is not yet available to the Legislature.

The LAO believes that the Legislature does not have the basic information it needs to assess the requests regarding these mental health facilities. Consequently, the LAO withholds recommendation on the two projects, pending receipt and review of the department's study.

Does the Subcommittee wish to hold these two projects open pending receipt of additional information?